United Nations A/59/PV.54

General Assembly
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Official Records

54th plenary meeting
Tuesday, 16 November 2004, 10 a.m.
New York

President: Mr. Ping ..... (Gabon)

In the absence of the President, Mr. Chowdhury (Bangladesh), Vice-President, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 49

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/59/62 and Add.1, A/59/63, A/59/126)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its fifth meeting (A/59/122)

Draft resolution (A/59/L.22)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/59/298)

Draft resolution (A/59/L.23)

The Acting President: Before proceeding further, I should like to inform members that this morning's meeting will be adjourned at 12.45 p.m. Immediately thereafter, there will be an informal segment to hear statements by the representatives of two non-governmental organizations, namely Greenpeace International and the Natural Resources Defense Council. Members are invited to remain for this segment.

I now give the floor to the representative of Brazil to introduce draft resolution A/59/L.22.

Mr. Dos Santos (Brazil): I have the honour to introduce draft resolution A/59/L.22, entitled "Oceans and the law of the sea", under item 49 (a) of the agenda. The other draft resolution, which is under item 49 (b) on sustainable fisheries, will be introduced by the representative of the United States.

Since the publication of the draft resolution, the following countries have become sponsors: Austria, Belgium, Brazil, Canada, Cyprus, Czech Republic, Denmark, Fiji, Finland, France, Greece, Honduras, Hungary, Iceland, Ireland, Japan, Malta, Marshall Islands, Mexico, the Federated States of Micronesia, Monaco, Namibia, the Netherlands, New Zealand, Norway, Portugal, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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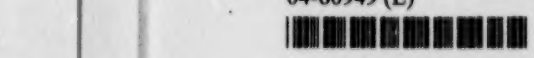

The draft resolution is the result of a substantial series of open-ended consultations among delegations. At the outset, I would like to express my appreciation to all delegations for their active participation and constructive spirit. I wish to thank, in particular, Mr. Marcos de Almeida of Brazil and Ms. Jennifer McIver of New Zealand for acting as coordinator and vice-coordinator, respectively, of the informal consultations on this draft resolution, and Ms. Holly Koehler of the United States for the coordination of the fisheries draft resolution. I also express my gratitude to the Director, Mr. Vladimir Golitsyn, and the staff of the Division for Ocean Affairs and the Law of the Sea for their highly professional assistance, which, as usual, contributed decisively to the success of our work.

The draft resolutions and today's debate are expressions of the General Assembly's commitment to issues relating to oceans and the law of the sea, especially as we celebrate the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS), which represents a monument to international cooperation in the history of the treaty-making process.

The importance of the Convention is firmly expressed in draft resolution A/59/L.22, which refers to the legal framework, the maintenance and strengthening of international peace and security and the sustainable development of uses of and activities related to the oceans and seas. In that regard, several paragraphs are repeated from previous resolutions because they reaffirm our continuing needs.

The draft also reflects the importance of capacity-building for developing States, so that they can implement the Convention, fulfil their obligations and benefit from ocean resources, as well as participate in all forums and processes dealing with issues related to the oceans and the law of the sea.

With the examination of information on the outer limits of the continental shelf beyond 200 nautical miles, submitted by Brazil on 17 May 2004, the work of the Commission on the Limits of the Continental Shelf has increased, and several States have advised of their intentions to make submissions in the near future. Those facts have given rise to some concern regarding the need to improve the capacity of the Commission to have concomitant meetings of several subcommissions. This has been expressed in the draft resolution by the request to the Secretary-General to submit proposals to the next session of the General Assembly on how to accommodate the requirements of the Commission.

As in previous years, the draft resolution also covers a wide array of issues directly relevant to the sustainable development of the oceans and seas. It requests the Secretary-General to report to the sixty-first session of the General Assembly on the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag and the potential consequences of non-compliance with duties and obligations of flag States, as described in relevant international instruments.

The draft also covers questions of piracy and armed robbery at sea, marine pollution, the smuggling of migrants, marine science, regional cooperation and inter-agency coordination and cooperation. It welcomes the adoption or entry into force of new conventions and protocols relating to the law of the sea and highlights the work of the International Seabed Authority, the International Tribunal for the Law of the Sea, the International Maritime Organization, the Conference of Parties to the Convention on Biological Diversity, the United Nations Environment Programme, the International Labour Organization and the International Atomic Energy Agency.

The draft resolution decides to establish an ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and decides to convene a second international workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects.

On the United Nations Open-ended Informal Consultative Process, the draft resolution recalls the decision to review the effectiveness and utility of the Consultative Process at the Assembly's sixtieth session and recommends that the Consultative Process organize discussions around fisheries and its contribution to sustainable development, marine debris and other issues discussed at previous meetings.

Sir, allow me now to make a few remarks on behalf of my country. Brazil has always been an active and enthusiastic supporter of the Convention and of efforts to put its provisions into practice. The Convention is also known as the constitution of the

oceans, and it is becoming part of the consuetudinary law, without yet having achieved universal status.

Nonetheless, the implementation of the Convention faces obstacles, in particular for the developing States because of their need for capacity-building in a wide range of interrelated matters and the need to improve marine science. In that respect, the establishment of the Ad Hoc Open-ended Informal Working Group will play a fundamental role in bringing us the actual knowledge regarding the multiple uses of deep sea biodiversity, the richness of which is restricted to those who have advanced technology to explore its usefulness, for example in the areas of health and food improvement.

Brazil considers that the Second International Workshop on the Global Marine Assessment will be decisive in establishing the process recommended by the Johannesburg Plan of Implementation. We expect that its work will be fruitful, and States must bear in mind the need to integrate and coordinate efforts on the conservation of the oceans.

Brazil also recognizes the usefulness of the informal Consultative Process in helping the General Assembly to understand broad, complex and multifaceted issues. Taking into account the review of its effectiveness at the next session, Brazil considers that the informal Consultative Process must be more educative and illustrative, rather than act as a forum for discussing issues and making recommendations to the Assembly.

Finally, the choice of the areas of focus for next year's informal Consultative Process is timely in view of the 2005 review of the Millennium Development Goals, particularly the topic of "Fisheries and its contribution to sustainable development". The topics chosen reflect once more the need to link cross-cutting issues such as capacity-building, regional cooperation and integrated ocean management through existing programmes and institutions. How best to enhance those linkages in a manner consistent with the objectives of the Convention is the fundamental reason for setting up the informal Consultative Process.

Now that we have highlighted the achievements and current challenges concerning ocean issues, let us take this occasion, on the tenth anniversary of the entry into force of the Convention, to reaffirm the commitment of our countries and of the international community as a whole to the task and vision we set out for ourselves in 1982 when the Convention was concluded.

Mr. Hamburger (Netherlands): I have the honour to speak on behalf of the European Union and the European Community as a party to the Convention on the Law of the Sea. The candidate countries Bulgaria, Romania and Croatia, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro align themselves with this statement.

Today we celebrate the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS). For the European Union (EU), the ratification today by another EU member State, Denmark, adds a special touch to the celebration.

The Convention and its implementing Agreement are a milestone in the world's efforts to manage the world's oceans. Looking back at the achievements of the Third United Nations Conference on the Law of the Sea, we must agree not only that a wide variety of issues was dealt with in the Convention, but also that the text of the Convention has proved to be flexible enough to deal with problems that have arisen since its conclusion. It is worth mentioning that in many respects the provisions of the Convention have acquired the status of international customary law.

Nineteen ninety four saw the conclusion of the Agreement, which greatly facilitated the entry into force of the Convention for many States. The two integrated instruments have proved to be a remarkably useful tool for the governance of oceans. Indeed, we believe that those instruments will serve us all well in the future and that there is no need to reconsider any of their provisions at this stage.

Even though many States have already expressed consent to be bound, we believe that we must continue to strive for universality. We call on all those States that have not yet done so to become parties to the Convention and the implementing Agreement as soon as possible.

We regret that many seafarers still face dangers related not only to the safety of ships or the situation at sea itself, but also to the prevalent dangers of piracy and armed robbery at sea. The European Union notes with great concern that criminal activities still threaten

shipping and imply danger for the seafarers, as well as financial losses for the operators of commercial shipping vessels. It is imperative that all States do their utmost to prevent piracy and armed robbery at sea. In particular, there is a responsibility of States to prevent such acts from occurring in maritime areas under their jurisdiction or from ships flying their flag. We commend the efforts being made in this respect by the International Maritime Organization (IMO), as well as those by a number of regional cooperative programmes.

All States, especially coastal States to straits used for international navigation, should respect the right of innocent passage through such straits for every vessel. Furthermore, port States should do their utmost not to hinder access to ports, thus respecting the freedom of maritime trade and the freedom of transit between ports, irrespective of flag.

On the issue of security and safety at sea, we would like to highlight the importance of addressing the issue of the transport by sea of weapons of mass destruction. We recall the importance of Security Council resolution 1540 (2004) on the prevention of the proliferation of weapons of mass destruction and we reiterate the support expressed by the European Union for the Proliferation Security Initiative. This important Initiative includes a willingness to cooperate on preventing the transport of weapons of mass destruction by sea.

Similarly, the revision of the IMO Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol on fixed platforms located on the continental shelf should be noted. In these ongoing negotiations, important provisions are to be added to the existing instrument, enhancing efforts against terrorism, as well as providing for the penalization of the transport of weapons of mass destruction, dual-use goods and delivery systems, by providing clear and mutually agreed rules on boarding ships on the high seas. The European Union considers that an important aspect of those amendments is that they will provide a clear and agreed legal framework for intervening with shipping when well-founded suspicions of the shipment of weapons of mass destruction arise.

By 2025, more than 75 per cent of the total world population is expected to be living on the coast, highly dependent on the sea and its resources. We have an obligation to ensure the viability of the ocean's environment, which is deteriorating at an alarming rate due to the over-utilization of marine resources, pollution and climate change. This will be a particular challenge for the twenty-first century. Proper ocean governance requires action that is forward-looking and based on the precautionary principle, rather than merely reactive to the problems of the day. As technology and science progress, we face new challenges regarding how best to protect the oceans against destructive practices.

The European Union attaches great importance to ensuring the protection of the marine biodiversity of the oceans, in areas under the responsibility of coastal States, as well as in those beyond the limits of national jurisdiction. In our region, this important work is already being undertaken within regional sea conventions and programmes, such as the Helsinki Commission (HELCOM) for the Baltic Sea, the Barcelona Convention for the Mediterranean sea, the OSPAR Convention for the North-East Atlantic, and the Black Sea Convention. With respect to the maritime areas under the responsibility of the States members of the European Union, the European Commission is developing a strategy for the protection of the marine environment. This strategy will be finalized in 2005. We would also like to highlight the fact that pollution accidents at sea, which have caused serious damage within the European Union, have accelerated the need for measures to protect sensitive coastal areas within the European Union.

While the Convention on the Law of the Sea sets out a global regulatory framework for areas under national jurisdiction and the high seas, the situation is less clear with respect to the protection of the biodiversity of the high seas and the Area. The European Union recognizes the need to regulate practices, including bottom trawling, which may be a threat to deep-sea marine biodiversity and to vulnerable marine ecosystems. The legal framework and the implementation of measures to protect biodiversity beyond the limits of national jurisdiction need to be improved and addressed urgently by the international community. At this time, not enough is known about the marine environment in these areas, in particular the ecosystems of the deep sea. This strengthens the need to apply the precautionary principle in all activities carried out in deep-sea areas. Thus we should strengthen our resolve to act only with

the greatest care in such areas by giving full effect to the provisions of the Convention on the Law of the Sea and other international conventions, such as the Convention on Biological Diversity.

The European Union believes that there is a need to begin a process aimed at addressing this matter. Such a process should take into account the relevant provisions of the Convention on Biological Diversity and the decisions of the Seventh Meeting of the Conference of the Parties to that Convention. That must be done in a manner that gives effect to the Convention of the Law of the Sea and other relevant instruments, building on the conclusions of the joint Plan of the Johannesburg conference, as well as on other related instruments. We note the decision in the draft resolution before us on oceans and the law of the sea to establish an ad hoc open-ended working group to study issues relating to conservation and the sustainable use of marine biological diversity beyond the areas of national jurisdiction, and we look forward to participating in its work. The European Union also welcomes the steps that the General Assembly has proposed in this year's annual fisheries and oceans discussions, which called on States and regional fisheries management bodies to protect vulnerable marine ecosystems from destructive practices — protection to which concerted international action on illegal, unregulated and unreported fishing will also contribute.

Many discussions on the governance of oceans have taken place in the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. This year we participated in the fifth meeting, and during the next meeting in 2005 a decision will have to be prepared for as to whether the General Assembly would like to continue this process for a further three years. The European Union could support, in principle, the continuation of the United Nations Open-ended Informal Consultative Process. However, while we have learned a lot about a great many issues related to the governance of oceans, we recognize that there is room for improvement and that a detailed and independent evaluation of the quality and practical results of the process should take place before a decision is taken on the modalities of its possible continuation.

It is important to establish whether this process has, in fact, led to a better understanding of the management of the oceans and to a better and more coherent approach of ocean issues by States and relevant international organizations.

I would like to conclude by reiterating our appreciation for the annual report on oceans and the law of the sea produced by the Secretariat. It provides a wealth of information and presents an almost exhaustive compilation of relevant developments. I would also like to reiterate that the European Union considers the General Assembly to be the place to discuss the report, as this is the most inclusive forum for discussion of such matters.

The Acting President: The Assembly will now hear a statement by The Honourable Kjell Magne Bondevik, Prime Minister of Norway.

The Honourable Kjell Magne Bondevik, Prime Minister of Norway, was escorted to the rostrum.

The Acting President: I have great pleasure in welcoming His Excellency Mr. Kjell Magne Bondevik, Prime Minister of Norway. I invite him to address the General Assembly.

Mr. Bondevik (Norway): The United Nations Convention on the Law of the Sea has rightly been labelled the constitution of the oceans. As we celebrate today the tenth anniversary of its coming into force, we reaffirm its fundamental importance as the undisputed overarching legal framework for all peaceful uses of the seas and oceans. Our challenge lies in ensuring full implementation of the Convention, through loyal implementation of our obligations and effective utilization of the possibilities its provisions prescribe.

I will focus on three main topics: first, the contribution of the Convention on the Law of the Sea to the international legal order and international peace and security; secondly, environmental challenges; and thirdly, measures to secure the sustainable management of our living marine resources.

The Convention promotes international peace and security by establishing clarity and predictability with respect to all activities in the oceans. The instrument defines the limits of territorial waters, national zones and the continental shelf. It also guarantees the freedom of navigation beyond the territorial sea and the right of passage through the territorial sea, international straits and archipelagic waters. The Convention carefully balances a number of interests and thus fosters friendly relations and cooperation among all nations. That balance constitutes the basis

for the rule of law on the oceans and is a key contribution to the international legal order.

While the rules and principles of the Convention provide a stable legal framework, our security challenges change. Piracy and armed robbery at sea are increasing. Proliferation of weapons of mass destruction and, in particular, the danger of such weapons coming into the hands of terrorists, are a major threat to international peace and security, and such proliferation by sea is unfortunately a real risk.

Under Security Council resolution 1540 (2004), all nations are obliged to prevent proliferation of weapons of mass destruction. Nations must cooperate to that end, thus we welcome the efforts made within the International Maritime Organization (IMO). Of particular importance are the recent amendments to the International Convention for the Safety of Life at Sea and the ongoing process to substantially strengthen the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Furthermore, Norway is an active participant in the Proliferation Security Initiative aimed at strengthening our national and collective ability to prevent and stop the proliferation of weapons of mass destruction.

As a major shipping nation, we are deeply concerned about the increase in piracy and armed robbery at sea in certain parts of the world. In addition to support for multilateral efforts against that increasing challenge, we are actively engaged in bilateral cooperation with other nations. And in all our efforts to counter piracy, terrorism, and proliferation of such weapons at sea, the Convention on the Law of the Sea serves as the basic legal framework for developing new initiatives.

Shipping carries more than 90 per cent of world trade. It is the most energy-efficient and ecologically sound mode of freight transportation. Preserving workable conditions for commercial shipping must, therefore, be a priority to us all. Shipping interests must, however, always be weighed against environmental considerations and the legitimate interests of the coastal populations of the world.

We have seen several environmental catastrophes caused by shipping accidents over the last years. This clearly illustrates the need for measures to further protect the environment. In that regard, we welcome the new IMO measures to prevent oil pollution from vessels, including the decision to speed up the phasing out of single hull tankers. Shipping security is inextricably linked to the obligation of flag States to fully shoulder their responsibilities, which cannot be effectively discharged without a genuine link between the flag State and the ships flying its flag.

I urge all flag States to comply with their obligations under international law to make sure that their ships meet international security standards. States without an effective maritime administration and an appropriate domestic legal framework must refrain from operating shipping registries.

States have a general responsibility to protect and preserve the marine environment and living resources in all ocean areas. How best to carry out that responsibility has increasingly been debated. The IMO has discussed the establishment of Particularly Sensitive Sea Areas, while marine protected areas have been debated within the framework of the Convention on Biological Diversity. Some have argued that we need a revision of the Convention on the Law of the Sea itself to clarify and strengthen our environmental responsibilities.

I believe that we are best served by adopting a focused, practical and targeted approach in order to address the problems at hand within the existing legal framework. When a problem is identified, specific measures to deal with it effectively should be adopted by the relevant international body or the national authority concerned. In line with that approach, Norway is actively working to prevent the destructive practice of bottom trawling in vulnerable areas. Within our 200-mile zone, protected areas have been established. These include areas within our economic zone where bottom trawling is prohibited.

I welcome last week's decision by the North-East Atlantic Fisheries Commission to ban all trawling in four areas, within its regulatory area, in accordance with Norwegian proposals. In other vulnerable high seas areas the relevant regional fisheries management arrangements should also engage actively in order to prevent harmful bottom trawling. Where such competent bodies do not exist, I would urge coastal States to work together in order to establish them as soon as possible.

Based on the close cooperation of the States with the best local knowledge, such regional arrangements are the best tools for ensuring the sustainable management of marine living resources and preventing

destructive practices. These arrangements also have a key role to play in preserving marine biodiversity in general.

The Food and Agriculture Organization of the United Nations (FAO) reports that the global situation of marine fish stocks continues to deteriorate. That broad statement does not apply to all stocks in all waters and zones, but overall it gives reason for increasing concern. We must prevent any further depletion of living marine resources through sustainable resource management and the fight against illegal, unreported and unregulated fishing.

The Convention recognizes the responsibility of coastal States for the sustainable management of living resources in their maritime zones. Through the 1995 Fish Stocks Agreement, States are obliged to cooperate in the management of straddling and highly migratory fish stocks. In discharging those responsibilities, the coastal States and regional arrangements are afforded broad discretion in choosing the most appropriate management measures. A lack of complete scientific data can never serve as an excuse for failing to implement responsible management measures.

Our resource management efforts must be comprehensive and ecosystem-based in order to match the complexity of nature. In line with this thinking, my Government is now working on a comprehensive management plan for the Norwegian part of the Barents Sea. That plan, which will guide our activities and the measures we take for the next 15 years, will encompass aspects relevant not only to resource management, but to the marine environment as a whole.

However responsible and precautionary the coastal States and the regional management arrangements might be in their management, their full purpose will not be served as long as we are struggling with illegal, unreported and unregulated fishing. Significantly, the Secretary-General states in his report on sustainable fisheries that illegal, unreported and unregulated fishing in all its forms presents a major obstacle to achieving sustainable fisheries both in areas under national jurisdiction and on the high seas.

Curbing such fishing is therefore among the most important measures we can take to protect marine resources. Obviously, a huge responsibility here rests with the flag State. Unfortunately, some States allow vessels to fly their flag without ensuring that their fishing practices are legal and sound.

International instruments such as the 1995 Fish Stocks Agreement and the 1993 FAO Compliance Agreement are essential. Regrettably, the number of ratifications is still much too low. In other words, there seems to be a lack of political will to deal effectively with this problem. I appeal to all States to make sure that vessels flying their flag do not engage in illegal, unreported and unregulated fishing.

In my statement, I have repeatedly referred to common obligations and shared responsibilities. We share the responsibility to fully implement the Convention and achieve its full potential. There are, however, differences between the States parties' abilities to implement the various provisions and to take advantage of the possibilities provided by the Convention. Norway therefore notes with satisfaction the widespread consensus that capacity-building is a main challenge in relation to the law of the sea. As part of our development aid programmes, we will continue to make funds and expertise available to those States that need such support.

In closing, let me state that it has been a pleasure to address law of the sea issues on the day of the tenth anniversary of the coming into force of the Convention. It has been a particular pleasure to do this before the General Assembly — the universal forum for taking stock of broader developments of law of the sea and ocean affairs and setting out our collective priorities.

The Acting President: On behalf of the General Assembly, I wish to thank the Prime Minister of Norway for the statement he has just made.

The Honourable Kjell Magne Bondevik was escorted from the rostrum.

Mr. Hackett (Barbados): I have the honour to make this statement on behalf of the Caribbean Community (CARICOM) States Members of the United Nations.

Today, the international community is rightly giving due recognition to the tenth anniversary of the entry into force of the 1982 United Nations Convention on the Law of the Sea. CARICOM delegations are proud to note that, of the 145 parties to the Convention, all CARICOM Governments are parties to this multilateral treaty, negotiated painstakingly over many

years and which lays down widely accepted fundamental rules of international law governing all uses of ocean space.

Several States have, however, not yet become parties to the Convention. We would, accordingly, urge them to give this matter further positive consideration, with a view to achieving universal adherence to the Convention in the shortest possible time, as a tribute to the many negotiators from all regions who played such pivotal roles in shaping several of its key substantive provisions.

CARICOM delegations wish to thank the Secretary-General for his very comprehensive report under this agenda item. We wish also to commend the Director of the Division for Ocean Affairs and the Law of the Sea, Mr. Golitsyn, and his dedicated staff for the very proficient manner in which they continue to discharge their responsibilities, especially in light of the ever-increasing areas that are the focus of delegations' attention. We are encouraged by the fact that, in the 10 years since its entry into force, the Convention has, to a large extent, shaped national policies, practices and legislation on ocean affairs, particularly with reference to its maritime jurisdictional aspects. In addition, State practice with respect to maritime zones has shown strong adherence to the principles and rules established by its provisions.

In his report, the Secretary-General notes, inter alia, that, while more than 40 treaties and protocols to treaties on the delimitation of maritime boundaries have been concluded since November 1994, a number of unresolved issues related to sovereignty over land or island territory, overlapping and extensive maritime claims and the particular geographical predicaments of certain countries continue to encumber relations between States with opposite and adjacent coasts. We encourage States to settle their disputes in that regard by peaceful means, including those set out in the Convention and in accordance with international law.

In the Caribbean region, two separate arbitration proceedings are currently under way with a view to settling amicably and definitively, by referral to arbitral tribunals constituted under the Convention, the respective maritime boundaries of the States concerned. In addition, other States of the region are engaged in bilateral negotiations with a view to concluding delimitation agreements.

CARICOM delegations continue to be appreciative of the initiative of the Government of Mexico regarding the Conference on Maritime Delimitation in the Caribbean, and they express their thanks to that Government for its generous financial contributions of almost $100,000 over the past few years to the trust fund for assistance to States participating in the Conference. Accordingly, we look forward to the convening of future meetings of the Conference and to assistance from the trust fund, upon the request of participating States, in order to contract the necessary consultancy services.

The Secretary-General draws attention to a number of failings on the part of States parties during these last 10 years: the proclamation of de facto exclusive economic zones under various other designations, thus creating confusion and uncertainty especially as to the rights and obligations of other States; the lack of harmonization of national legislation with the provisions of the United Nations Convention on the Law of the Sea; non-observance of the time-honoured tradition of regular reporting to the United Nations by coastal States of new legislation on maritime zones; and failure to deposit with the Secretary-General, under the Convention, charts showing straight baselines and archipelagic baselines, as well as the limits of the territorial sea, exclusive economic zones and the continental shelf.

CARICOM delegations therefore wish to urge States parties to the Convention to ensure that measures taken in the areas identified by the Secretary-General are in conformity with the Convention and that the international community is made aware of any such international legal developments by transmitting such information to the Secretary-General for dissemination in accordance with his obligations as depositary.

We wish to reiterate our unconditional support for the institutions established by the Convention, namely, the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf. We commend them on the highly effective manner in which they have been carrying out the various responsibilities assigned to them under the Convention since their establishment. For example, the International Seabed Authority has entered into exploration contracts with all seven pioneer investors in accordance with the regulations on prospecting and exploration for polymetallic nodules in the area. It has made progress on developing rules,

regulations and procedures for the exploration of polymetallic sulphides and cobalt-rich ferromanganese crusts, and it has begun evaluation of available data and information related to the areas reserved for its future use.

CARICOM delegations also wish to take this opportunity to congratulate Mr. Satya Nandan on his re-election to the post of Secretary-General of the International Seabed Authority for a further four-year term in the recent elections, which were held under the Trinidad and Tobago presidency of the Authority's Assembly. We pledge to him our continued full support in the discharge of his duties.

The International Tribunal for the Law of the Sea, which has among its 21 judges two jurists from CARICOM countries — Judge Dolliver Nelson of Grenada, its current President, and Judge Anthony Lucky of Trinidad and Tobago — has dealt over the last eight years with a number of cases involving the prompt release of vessels and requests for provisional measures. We welcome the Tribunal's contribution to the development of the jurisprudence of the law of the sea in its few short years of its existence.

The Commission on the Limits of the Continental Shelf, in addition to devising and consolidating its procedures for the submission of claims, has addressed the first request, submitted by the Russian Federation, and has now received its second submission, from Brazil. CARICOM delegations welcome the willingness of the Commission to assist States, at their request, in the preparation of their submissions and other actions by the Division for Ocean Affairs and the Law of the Sea aimed at building capacity among coastal States. This will enable them to make, in a timely manner, their own submissions in relation to the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Ten years after the 1982 United Nations Convention on the Law of the Sea entered into force, further actions are still required of States to give full force and effect to the Convention's provisions in their national legislation. Perhaps it would be timely for Governments to give consideration to establishing overarching national marine policies encompassing all aspects of ocean affairs, in addition to developing national mechanisms that can ensure the broadest possible coordination on all ocean-related matters at the national level and in order to be in a better position to cooperate with other States.

CARICOM delegations further note that an important development took place at the Fourteenth Meeting of States Parties to the Convention, held in New York in June this year. Aside from addressing financial and administrative issues related to the International Tribunal for the Law of the Sea, it was agreed that the agenda for the Fifteenth Meeting of States Parties should include a new item relating to the report of the Secretary-General under the Convention's article 319. While there are other forums in which matters concerning oceans and the law of the sea are considered, we believe that the meetings of States parties represent the logical forum for discussion of issues pertaining to implementation of the Convention. The inclusion of that agenda item, we believe, will broaden the work of the meetings of States parties beyond their current focus on administrative and budgetary matters. We look forward to the resumption of the report by the Secretary-General, in accordance with his obligation under article 319.

We also wish to commend the Co-Chairpersons of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for their successful conduct of the fifth meeting, held earlier this year. Regarding the issue of new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction, which was discussed at the last meeting, we are of the view that the benefits to be derived from areas to which the principle of the common heritage of mankind applies must be accessible to all mankind and not just limited to the commercial interests that seek to exploit its rich biodiversity for profit.

CARICOM delegations wish to highlight the need for States and competent regional and international organizations to take all necessary measures to address the risks to the biodiversity of vulnerable marine ecosystems, including in areas beyond national jurisdiction posed by, inter alia, destructive fishing practices such as high seas bottom trawling. We look forward to the discussion at the sixth meeting of the Consultative Process of the topics identified in the draft resolution, namely, "fisheries and its contribution to sustainable development" and "marine debris", as well as the review of issues discussed at previous meetings.

We support the proposal contained in draft resolution A/59/L.22 for the establishment of an open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, and we look forward to the topical report of the Secretary-General on the important issues that the working group will consider. With respect to institutional arrangements, CARICOM delegations welcome the establishment of the Oceans and Coastal Areas Network, a new inter-agency mechanism for coordination and cooperation on issues relating to oceans and coastal issues within the United Nations system.

CARICOM delegations would wish again to highlight the importance that they attach to the security and environmental implications arising from the maritime transportation of radioactive materials and the corresponding lack of adequate liability and compensation regimes. Due note has, however, been taken of recent developments in this sphere within the framework of the International Atomic Energy Agency, and CARICOM delegations look forward to the outcome of the work of the Expert Group on International Nuclear Liability.

We would also like to draw attention to the draft resolution currently before the Assembly on promoting an integrated management approach to the Caribbean Sea, pointing to its unique biodiversity and highly fragile ecosystem, as well as our concern regarding the intensive use of its waters for maritime transport. We therefore seek the cooperation of the international community in assisting Caribbean States in taking appropriate steps for the preservation and protection of this most precious natural resource, which is vital to the well-being of the countries of the region.

CARICOM delegations wish to express our appreciation for the cooperation and assistance in the region from international organizations, our bilateral partners and the specialized agencies of the United Nations, such as the United Nations Environment Programme, the United Nations Development Programme and the International Maritime Organization. We look forward to continued cooperation with them in order to achieve our common goals in this area.

The seas and oceans — man's last frontier — and the important role they play in mankind's future must never be underestimated. The proper management on a sustainable basis of the world's seas and oceans and their resources, both living and non-living, is therefore vital to the economic and social well-being of present and future generations. Consequently, all of the issues related thereto must be addressed, we believe, in a holistic and harmonious manner by all States.

The Acting President: I am greatly pleased to welcome Mr. Geoff Regan, Minister of Fisheries and Oceans of Canada, whom I now invite to make a statement.

Mr. Regan (Canada) (*spoke in French*): Mr. President, I very pleased to join you on this important day, the tenth anniversary of the entry into force of the law of the sea, for the adoption of the draft resolution on oceans and the law of the sea (A/59/L.22) and the draft resolution on sustainable fisheries (A/59/L.23).

(spoke in English)

When Canadian Prime Minister Paul Martin addressed this body in September, he laid out his views on the challenges facing the United Nations and the reforms he saw as necessary to put our common humanity at the centre of the United Nations agenda. He suggested that it was our collective obligation to leave a better world for our children and that, in that regard, only international cooperation and technical assistance can bring lasting solutions. Furthermore, he underscored the global need for an oceans policy that allows us to rebuild our fish stocks. To that end, he said, access to fisheries must be better regulated under international law. In the context of those remarks, I think that we can all agree that today is a good day for the United Nations and a good day for the oceans of the world.

We are pleased that the provisions of the sustainable fisheries draft resolution recognize the need to combat destructive fishing practices in international waters where sensitive ecosystems exist. Indeed, practices must be addressed, at the global and regional levels, through effective international fisheries governance.

This draft resolution generally reflects Canadian practices in our domestic waters. In areas where highly sensitive marine ecosystems are known to exist and where there is scientific evidence that fishing practices are having a long-term adverse effect on the

ecosystem, targeted action is taken to mitigate effects through the application of various management measures. This could include gear modifications, seasonal and area closures, or the establishment of marine protected areas where long-term measures are required.

Canada's position is that no specific gear type is inherently destructive, depending on how it is used. From experience, we know that all gear types can have negative impacts, which is why we need to work together on solutions. Consultations on management practices have been and will remain an integral part of Canadian decision-making. If we are to be effective, stakeholders need to be part of the solution.

We also welcome the decision set out in the draft resolution on oceans and the law of the sea (A/59/L.22) to establish an ad hoc working group to consider the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. We believe this working group will be able to address issues such as destructive fishing practices.

I am here today to share with you Canada's views concerning our collective responsibility to take on the problem of irresponsible fishing actions on the high seas so we can stop the pillage of our global resource. The oceans of the world have always fed and nurtured us. Our history of returning the favour has not been so generous. It was not until the latter part of the twentieth century that we began to do serious damage. The world has learned at its peril that just because technology allows us to fish faster and more efficiently, it does not mean that we have the wisdom to use that technology properly. The collective mismanagement of our oceans has had inevitable consequences.

Despite the best will in the world and three decades of international efforts, fish numbers remain dismally depressed. By Food and Agriculture Organization of the United Nations (FAO) estimates, more than 70 per cent of the world's fisheries are depleted or nearly depleted. This is particularly worrisome when we consider that, according to the World Resources Institute, approximately one billion people, mostly in developing countries, rely on fish as their primary animal protein source.

Whether we are talking about cod in the North Atlantic, big-eye tuna in the Pacific, orange roughy on the Indian Ocean, or Patagonian toothfish in the Antarctic, for all intents and purposes, far too many species are overexploited.

Illegal, unreported and unregulated fishing, for example, is estimated to represent about 30 per cent of the world's total catch. We cannot lose sight of the role that fisheries subsidies have played in the ongoing decline of many commercial species. Clearly, Government programmes that encourage excess fishing capacity and overfishing must be eliminated. While member countries of the World Trade Organization are now working towards this goal, it is essential to eliminate the economic incentives that encourage overfishing.

Canada is a maritime nation bounded by three oceans, with the world's longest coastline. It will come as no surprise to you, then, when I say that our fishery has always been a critical part of Canadian life and tradition, culturally, socially and economically. Many of our communities were founded on the wealth of this resource.

For centuries, the cod fishery was central to the economy and culture of thousands of communities and the livelihoods of tens of thousands of Newfoundlanders and Labradorians. The collapse of the cod stocks in the nineties represented one of the most tragic points in the history of that province, and for all of Canada. Today, too many Canadians are seeing their livelihoods being put at greater risk. They have an understandable impatience with a perceived lack of international action, which has led to much frustration regarding their fishery. The imperative for real action and results on ocean conservation issues in Canada — particularly the ecosystems of our continental shelf beyond 200 miles — has never been greater.

The sad truth is that something is obviously not working, and we all share in the responsibility to do something about it, within our respective jurisdictions and together, on regional and global fronts.

On the domestic front, we are taking action — based on scientific evidence and the hard lessons that we have learned.

We have started transforming our fisheries governance regimes. But fisheries are only a part of the broader picture of oceans ecosystems. Our links to the oceans are broad and the impact of our actions there is diverse. To help understand and correct our

shortcomings, Canada established an Oceans Action Plan. Its goal is to revitalize our activities and initiatives by basing decision-making processes on sound science, by focusing first and foremost on the health of marine ecosystems, and by using new oceans technologies wisely to halt our destructive practices.

But the fact is, no matter what efforts we make in our own jurisdictions, they will be fruitless unless matched with cooperative actions at regional and global levels and with the necessary political will. For ecosystems know no administrative bounds. As responsible managers we need to set aside our jurisdictional constraints and manage oceans and the resources they harbour as a common property, one for which we are collectively responsible.

The Government of Canada recently made considerable investments to implement a new strategy to address overfishing. Our immediate and more pressing focus was the Grand Banks of Newfoundland and Labrador, where, because of overfishing, species currently under moratoria faced commercial extinction within five years. We committed over $45 million to expand our monitoring, control and surveillance of the area currently managed by the Northwest Atlantic Fisheries Organization (NAFO) and to find cooperative ways of addressing non-compliance and overfishing by working more closely with our NAFO partners. These efforts have yielded positive results to date. We are seeing some improvements, although important challenges remain. Our bilateral interventions, especially those by Prime Minister Martin, have highlighted how international the issue of overfishing is, and how significant support is for finding a global solution to the problem.

During the past 15 years, the international community has developed a series of tools and instruments to tackle this problem. Canada played a key role in the development of some of them, like the United Nations Straddling Fish Stocks and Highly Migratory Fish Stocks Agreement and the Convention on Law of the Sea.

But while the world's negotiators and diplomats have been prolific in their endeavours, we decision makers have been weak in our actions. It is now time to act, before it is too late.

I have agreed to be part of the Ministerial High Seas Task Force with colleagues from Australia, Chile, Namibia and New Zealand, with the Minister of Environment for the United Kingdom as Chair. This Task Force will consider specific ways to expose illegal, unreported and unregulated (IUU) fishing activity and combat this activity on a global level.

On a complementary track, Canada is initiating an international process to address global overfishing. Heads of State and leaders have given their support for moving in this direction.

Canada will launch this effort with an international conference on the governance of high seas fisheries from 1 to 5 May 2005 in St. John's, Newfoundland and Labrador. The conference will discuss existing international fisheries governance and areas where there may be gaps and impediments for implementation. Its key focus will be on the United Nations Fish Stocks Agreement. I am pleased to invite the fishing nations of the world to attend the St. John's conference. For we need to move from words to action, together.

Our vision is that the St. John's conference will launch a process that results in global standards for an effective monitoring regime, including consistent sanctions for non-compliance. Obviously, the purpose in all of this is to revive and then operate sustainable and ecologically friendly fisheries the world over. That is a very tall order. Somehow we must develop a formula to benchmark standards that would lead us to consistent successes. Otherwise, all our agreements are mere words on paper.

Perhaps we can start by asking ourselves some questions. Are we consistently adhering to our international obligations and commitments? Can we fill in the gaps with existing mechanisms or are new ones needed? Do we have the scientific knowledge to inform decision-making about the management of ocean resources and their ecosystems? Do we have sound information-sharing systems in place between States and regional organizations?

The answers to such questions can help us establish some of the benchmarking standards that we seek.

In the end, real progress means making difficult choices. And this requires political courage. I acknowledge the complex nature of the enterprise. Competing interests are made particularly sharp by the unequal levels of prosperity among nations, by technology outstripping capacity, by environmental

concerns, and by international politics. The list may seem endless. But it must not deter us.

Canada would not be so arrogant as to point fingers. All of us, in our frustration or sense of outrage, often want to point the finger of blame at someone else. It is much better that we hold up a mirror.

We have in our hands the means, and I believe the will, to do the right thing, for our children and our children's children. It is clear that with today's resolutions, and with the ongoing work of international bodies, we have begun to assemble the pieces of the puzzle. Our challenge now is to solve this puzzle, so that our oceans are once again full of life.

If we fail, we will all be diminished, and not just in the loss of vital food sources. We will also be diminished ethically, morally, and spiritually, in ways we cannot yet calculate. None of us wants to be marked down in the history books as the generation that knew enough to act, that knew what had to be done, yet failed nonetheless.

I remain optimistic. I think we have the means to be uplifted, so that in the years to come, our descendants will say that humankind did learn from past mistakes, and did bring us back from the brink of disaster, and that our oceans are, indeed, coming back to life.

Mr. Amayo (Kenya): Today, 10 years ago, the United Nations Convention on the Law of the Sea (UNCLOS) entered into force. This anniversary presents an opportune time to reflect upon the achievements of the Convention over the past decade, as well as to explore its future direction and prospects.

At the outset, I wish to express my delegation's appreciation to the Office of Legal Affairs and its Division for Ocean Affairs and the Law of the Sea for the comprehensive reports issued for this session. These reports review developments over the past decade and identify the main achievements and challenges in the implementation of the Convention. My delegation hopes that our efforts in the next decade focus on addressing the myriad challenges that stand in the way of implementation.

The Convention has been called the constitution of the seas, and with good reason. It is the primary source of international law governing ocean affairs. At present, there are 145 States parties to the Convention, and its principles are universally applicable. The three main institutions established under the Convention have made significant progress in their respective areas.

The Commission on the Limits of the Continental Shelf continues to play a significant role in assisting States in the preparation of submissions with respect to the outer limits of the continental shelf. The revised rules of procedure were adopted in April 2004, simplifying procedures for States wishing to prepare submissions. However, implementation of article 76 of the Convention still poses a great challenge to many States. We hope that the Commission's continued focus on technical assistance and capacity-building for States in the preparation of their submissions will help expedite the submissions process. We urge that adequate resources be allocated to that vital function of the Commission to help diversify programmes and maximize the dissemination of expertise, particularly to developing coastal States.

The Government of Kenya has constituted an inter-ministerial technical committee to consider delimitation of Kenya's maritime zones. Issues under consideration by that committee include the review of maritime maps and charts deposited with the United Nations prior to the adoption of the Convention, modalities of delimiting maritime zones and a review of baselines. The committee is also considering a comprehensive revision of Kenya's maritime laws and other laws relating to exploration and exploitation of natural and mineral resources within its maritime zones to ensure compliance with the Convention.

A review of the work of the International Seabed Authority (ISA) over the past decade shows significant progress in administration and regulation of activities in the international seabed beyond national jurisdiction. It has adopted a regulatory framework for prospecting and exploring for polymetallic modules, and work on the elaboration of similar regimes to govern other resources in the seabed is under way. We encourage the Authority to continue collaborating with technical and scientific experts and institutions to ensure a wider dissemination of marine scientific research.

We note with satisfaction that the Authority, in the development of a regulatory regime for resources in the area, gives due regard to the conservation and protection of the marine environment and its rich

biodiversity and to the need to ensure a balanced distribution of the benefits of deep seabed resources.

The International Tribunal for the Law of the Sea (ITLOS) plays an important role in the peaceful settlement of disputes arising from the application and interpretation of the Convention. The jurisprudence emanating from the Tribunal provides useful guidance to States in the management of maritime disputes. We urge adequate budgetary support to the Tribunal to facilitate its smooth operation and effectiveness.

In 2002, the Assembly, upon the recommendation of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, called for consideration of ways to improve the management of risks to maritime biodiversity. That was reiterated in resolution 58/240, which urged the protection of maritime ecosystems and biodiversity in areas beyond national jurisdiction. That was further reinforced by the World Summit on Sustainable Development's Plan of Implementation and the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Kuala Lumpur in February this year. It is evident that there is an urgent need to increase focus on conservation and sustainable use of biodiversity in marine areas beyond national jurisdiction. That biodiversity constitutes a vast reserve of resources and organisms of significant economic, scientific and environmental value. A balance must be struck between the need for economic exploitation and the need for conservation.

We therefore urge that a working group be established to examine existing regimes in this area and to look into modalities for conservation and sustainable use of biodiversity and for the protection of vulnerable marine ecosystems.

The protection of the coastal and marine environment is of critical importance to Kenya. At the national level, a comprehensive review of our maritime laws is being undertaken to enhance protection measures and to ensure harmonization with international and regional instruments. At the regional level, Kenya participates in a number of initiatives, including the United Nations Environment Programme Regional Seas Programme and the activities undertaken under the auspices of the Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region. We welcome the outcome of the Fifth Global Meeting of the Regional Seas, held in Nairobi from 25 to 27 November 2003, which culminated in the development of the regional seas strategic directions for 2004-2007. We further welcome the launching of a project in July this year by the Conference of States Parties to the Nairobi Convention to address the adverse effects of land-based activities in the Western Indian Ocean region.

The 1995 Fish Stocks Agreement is critical for the achievement of a sustainable global fisheries regime. In July 2004, Kenya acceded to that Agreement and is committed to its full implementation. We urge States that are not yet parties to the Agreement to consider ratification and accession to the Agreement to ensure coordinated and cooperative efforts in the management of fisheries. It is through adherence to that Agreement and other related global and regional fisheries agreements that we will be able to attain our common goal of balancing the need to contain the adverse effects of fishing on the marine ecosystem with the need to maintain fishing as a viable economic activity.

The regional fisheries management organizations play an important role in the implementation of the 1995 Fish Stocks Agreement. We urge increased support and funding for those organizations to enhance their effectiveness. Initiatives in that regard should concentrate on capacity-building for developing countries to enable them to maximize their economic potential in their fisheries sectors, while at the same time ensuring sustainability and conservation of marine ecosystems and biodiversity.

The Open-ended Informal Consultative Process on Oceans and the Law of the Sea has proved quite useful as a forum for the comprehensive exchange of views on ocean affairs. The theme for this year, "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction", enabled participants to focus on this complex and sensitive subject. We urge greater focus on this topic in our subsequent deliberations.

Although gains have been made in the implementation of the Convention on the Law of the Sea and related agreements, full implementation is far from being achieved. This is the challenge before us as we celebrate this tenth anniversary. We need to re-examine our respective national implementation

measures and mechanisms to ensure better implementation. This may call for a review of our internal policies and legislation. It is noteworthy that lack of capacity is the main constraining factor for many developing countries. Successive General Assembly resolutions have underscored the need to build capacity for developing countries. We note with appreciation that the United Nations has developed an integrated mechanism consisting of a wide range of advisory services, trust funds, training programmes and technical assistance to address that need.

Mr. Gómez Robledo (Mexico) (*spoke in Spanish*): Today is cause for celebration in the United Nations. The commemoration of the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea brings a festive atmosphere to this room. For many, the Convention is also known as the constitution of the oceans.

Over this period of time, we have seen just how fundamentally important the Convention is for the maintenance and strengthening of international peace and security, as well as for the sustainable management of the oceans and seas. Without any doubt, it has brought stability, certainty and order to the use and management of the immense oceanic space.

Having completed the first decade after entry into force, the Convention has shown that it is one of the most vigorous and visionary successes of this Organization. Today its legal framework has been strengthened, and it has promoted dynamism in the law of the sea. We are convinced that the Convention continues to provide the core standards around which all developments and activities in the oceans and seas develop.

Marine scientific research is also one of the most dynamic sectors at the moment. The high degree of sophistication achieved in exploring the oceans has, among other things, facilitated the speedy generation of scientific data and their application in the area of technological innovation, and in this way we have multiplied new discoveries.

This is even clearer when we think about the knowledge that we have of the biological diversity of the ocean depths. Although science has made progress in this area, we feel that the international community still does not have a complete vision of the interrelationship among all the multidisciplinary aspects of the conservation and sustainable use of marine biodiversity, both on the high seas and on the international seabed.

Because of this, my delegation would like to express its great satisfaction with the setting up of an ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of biological marine diversity beyond areas of national jurisdiction. That is one of the most important aspects of the draft resolution on oceans and the law of the sea (A/59/L.22), and for that reason Mexico would like to express its thanks to all delegations that participated in the negotiations on this draft resolution. All delegations, without exception, contributed towards this achievement.

As in previous years, Mexico notes that resolutions in this area have become guides for the protection and preservation of the marine environment. Given the gradual deterioration of the marine environment, we need urgent action to protect it, and in this respect Mexico particularly welcomes the draft resolution's reference to actions oriented towards the protection of coral reefs.

Mexico is also convinced that there is a close relationship between the protection of vulnerable marine ecosystems and the safety of navigation. For that reason, it is important that we have precise nautical charts in order to reduce the possibility of shipping accidents and their consequences for human life and the marine environment in general. We urge the international financial institutions and the community of donors to redouble their efforts to promote training in developing countries in the drawing up of nautical charts and in improving their hydrographic services.

We recognize that a great part of the environmental deterioration in coastal and marine areas is a result of land-based activities. For that reason, we encouraged the Consultative Process at its sixth meeting to examine the subject with a view to promoting the overall application of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. We encourage it to give greater importance to the link between fresh water, the coastal area and marine resources in the application of the development objectives set out in the Millennium Declaration, the Johannesburg Plan of Implementation and the Monterrey Consensus on Financing for Development.

One priority subject for Mexico is that of regional cooperation for the overall management of the oceans, and particularly for the effective implementation of the Convention. Of specific interest is the establishment of geographic data and maritime delimitation. We are convinced that regional initiatives, such as the Maritime Delimitation Workshop for Officials of the Organization of the Eastern Caribbean States, are very useful tools in the provision of the technical assistance needed for that purpose by Caribbean States. Mexico continues to be committed to that initiative and recently contributed for the third time to the conference assistance fund that was set up for the specific purpose of facilitating technical assistance to countries in negotiations on maritime delimitation. We would like to thank the Division for Ocean Affairs and the Law of the Sea for the invaluable help given to the conference in that respect.

Mexico would also like to express its support for the work of the International Seabed Authority, and we thank its Secretary-General, Mr. Satya Nandan, and all the staff under his direction. We attach great importance to the work of the Authority in the collection, analysis and dissemination of scientific data, as well as its work in coordinating marine scientific research in line with article 143 of the Convention.

In that respect, we welcome the holding — although the circumstances were very difficult from a climatic point of view — of the workshop for the establishment of environmental baselines for future contractors involved in the exploration of polymetallic sulphides and cobalt-rich crusts, held recently in Kingston.

We are convinced that it is necessary to continue to support the voluntary fund in order to defray the participation costs of specialists from developing countries in the meetings of the Legal and Technical Commission and the Finance Committee.

With regard to progress in discussions on regulating prospecting and exploration for polymetallic sulphides and cobalt crusts in the Area, Mexico believes that work should continue within the framework of the Authority to ensure that the draft regulations reflect the general principles of international law as they relate to the environment. Similarly, and in light of the vulnerability of deep-sea ecosystems, we should also consider the possibility of including in the draft regulations strict liability for damage to the marine environment of the Area. We must not lose sight of the fact that article 304 of the Convention is a general provision that does not prevent the ongoing development of standards on liability in international law.

Another area in which the promotion of capacity and cooperation with developing countries is important relates to the application of article 76 of the Convention on the establishment of the limits of the outer continental shelf. We believe that without such training it will be practically impossible for a large number of countries to complete their presentations to the Commission on the Limits of the Continental Shelf by 2009. That aspect should be given urgent attention if we truly wish countries to be able to make their presentations to the Commission on time.

In that respect, we encourage the Secretary-General to promote preparation training courses along the lines proposed by the Commission on the Limits of the Continental Shelf. We also feel it especially important that the Division for Ocean Affairs and the Law of the Sea complete the training manual to help States prepare their presentations.

We also thank the Secretary-General for his work in the preparation of the various reports under consideration. We look forward to receiving his report under article 319 of the Convention. In that respect, we invite the Secretary-General to give increasing attention to the peaceful settlement of disputes in his main report on oceans and the law of the sea. The significant contributions of the International Tribunal for the Law of the Sea and the International Court of Justice in the peaceful solution of conflicts should also be stressed.

In that context, we also thank Mr. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, and his team for their excellent work in promoting the implementation of the Convention.

Mr. Samy (Egypt) (*spoke in Arabic*): At the outset, I wish to thank the Secretary-General for his reports under the item "Oceans and the law of the sea". They reflect his important role and responsibilities, especially those under the United Nations Convention on the Law of the Sea with regard to managing ocean affairs and the law of the sea and to presenting comprehensive annual and special reports.

The reports under consideration today are of special significance in addressing the legal regime arising out of the 1982 United Nations Convention on the Law of the Sea, one of the most important international legal instruments. Its entry into force in 1994 had considerable positive impact on the legal regime under the 1982 Convention. The international community accords special importance to the Convention, as reflected in the growing number of States acceding to it every year. It now has 154 States parties. We call on those members of the international community that have not done so to accede to this important Convention.

Egypt participated actively in the establishment of the three institutions of the Convention: the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. We therefore appeal to the international community to implement the legal regime set forth in the Convention on the Law of the Sea by applying its provisions at the national level. In that regard, we call attention to the need to preserve special ocean resources, for we believe that maritime environmental protection is the responsibility of the international community as a whole. We wish in that respect to commend the outstanding efforts made by the International Seabed Authority and the Secretary-General.

Current studies indicate that fisheries production is on the rise, yet future demands for fish will go unmet unless we improve the management of ocean and sea resources. That fact is all the more salient in the light of the failure of the current legal regime to protect fisheries and fish resources from exploitation beyond their natural capacity to replenish themselves. The problem is compounded by reluctance and the lack of political will in some States to respect rules regulating quantities and methods of fishing. We therefore call on those States to adhere to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and to the Code of Conduct for Responsible Fisheries. They should also draft rules on responsible trading in ocean products in such a way that the Convention complements the Code.

We wish to note that the Convention assigns special importance to that matter. In article 192, it stresses the general obligation of States to protect and preserve the marine environment, and in 194 (5) focuses on the preservation of depleted, threatened or endangered species and other forms of marine life. I would further emphasize the important contents of paragraphs 262 of document A/59/62 on bioprospecting and its relation to and impact on the environment. Such activity highlights the need to implement the Convention's legal regime on scientific research into the deterioration of maritime ecosystems. Despite national efforts and a few success stories, we regret the ongoing general deterioration of the conditions of the oceans.

In that respect, I would note that Egypt has taken certain important measures to protect some maritime environments and to declare certain ecosystems as protected natural areas.

Mr. Sinaga (Indonesia): At the outset, I congratulate the Secretary-General for his comprehensive report on oceans and the law of the sea, and the Division for Ocean Affairs and Law of the Sea for its contribution to supporting the work of States Members of the United Nations on this agenda item.

More than a decade has passed since the entry into force of the 1982 United Nations Convention on the Law of the Sea. As the report indicates, 145 countries are now parties to the Convention. No Convention has enjoyed such wide participation within the international community as this one. It constitutes a landmark step by the international community towards regulating ocean affairs for the benefit of all mankind. It codifies States' practices in the context of their claim to portions of the sea adjacent to their coastal areas, and it introduces new legal frameworks on ocean-related activities beyond national jurisdictions, making it a veritable constitution of the oceans.

Looking back, we can see that the lengthy process of negotiations preceding the adoption of the Convention was a reflection of the importance of dealing with delicate issues of ocean governance in such a way as to meet the interests and expectations of the international community as a whole. That was finally achieved by means of a workable compromise in various areas of ocean affairs. The implementation Agreement for particular issues relating to ocean affairs, concluded at a later stage, clearly reflected an approach aimed at securing the wider participation of States in the Convention. In addition, further

arrangements on highly migratory and shared fish stocks were designed to enhance management and conservation measures for fisheries activities on the high seas.

Several new issues relating to ocean affairs have now emerged, as the report of the Secretary-General indicates. New technology has opened up new opportunities for States to exploit marine resources that were not anticipated at the time of the adoption of the Convention. Further elaboration is needed, therefore, in order to ensure sustainability. We are now witnessing new kinds of exploration of the living resources of the seabed in areas beyond national jurisdiction that bring economic advantage. Although little information is available on the matter at this time, the report alerts us to the possible impact of such activities on biological diversity. The challenge for the international community, therefore, is to manage those resources properly in order to ensure that the benefits can be shared among all States, particularly the developing ones.

It is worth noting that the report of the Secretary-General stipulates that the legal framework of the Convention serves as a reference and can be applied to issues relating to the conservation and management of the biodiversity of the seabed in areas beyond national jurisdiction. Against the backdrop of the commemoration of the 10-year anniversary of the entry into force of the Convention, it would be wise to hope that States show a firm commitment to ensuring that new ocean affairs issues will be addressed fairly, taking into account the interest of developing countries.

My delegation shares the view that capacity-building constitutes an essential element to enable developing States to take a more active part in concerted efforts to manage and conserve marine resources. Like most developing countries, Indonesia attaches particular importance to the need for States to enhance cooperation through, inter alia, sharing information for capacity-building purposes. The importance of the transfer of marine technology also seems relevant in that regard. It is through such cooperation that efforts to promote marine scientific research by coastal States in order to conserve marine resources can bear fruit.

Technical assistance from international institutions is also relevant and important, particularly with respect to the preparation of submissions to the Commission on the Limits of the Continental Shelf. Given the complicated technical aspects of the implementation of article 76 of the Convention, such assistance would enable developing States, such as Indonesia, to meet the deadline suggested by the Commission. If States meet the deadline, that will accelerate the work of the Commission in making recommendations on the matter.

It is interesting to note that this year in the Asia-Pacific region we also witnessed the implementation of conservation management measures for highly migratory fish stocks and shared fish stocks resulting from the Fish Stocks Agreement of 1995. The entry into force of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean on 19 June 2004 will be a test case for the efficacy of conservation management introduced by the Fish Stocks Agreement prior to its review scheduled for 2006. My delegation is therefore of the view that that review should be directed at improving conservation and management measures under the Agreement; it should not discourage the wider participation by States interested in joining the Agreement.

Indonesia also takes note of the international effort to introduce more stringent controls in the prevention and suppression of acts of terrorism at sea. The revisions and amendments to the various regulations and conventions adopted by the International Maritime Organization, such as the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) and its Protocol of 1988, as well as the International Ship and Port Facility Security (ISPS) Code, are designed to meet that objective.

As for the inclusion of provisions of the SUA Convention and its Protocol concerning ship boarding on the high seas, Indonesia is of the view that that effort should be brought into line with international law in order to avoid unnecessary restrictions on freedom of navigation. In that regard, the principle of flag State jurisdiction has to be respected.

While acknowledging the importance of the war against terrorist acts in all their forms and manifestations, we should not lose sight of the importance of upholding the rule of international law.

Only through concerted multilateral efforts can States effectively combat terrorism.

On the issue of enhancing maritime security, Indonesia has been implementing the ISPS Code, and by July 2004 several ports in Indonesia had met the requirements of that Code. Similarly, together with Malaysia and Singapore, Indonesia has intensified joint patrol activities in the Malacca Strait. That collaboration has successfully reduced the number of reported incidents. However, Indonesia would like to express its concern regarding the system for reporting piracy and armed robbery against ships used by the International Maritime Bureau.

As the Secretary-General's report indicates, most attacks worldwide take place while ships are anchored or berthed, and Indonesia is no exception. Many incidents of armed robbery directed against such ships are reported to have occurred while ships were docked in ports, and therefore they do not meet the legal definition of piracy. That does not mean, however, that Indonesia tolerates such criminal acts in its territorial waters — nor would we let the perpetrators of such criminal acts go unpunished. Indonesia is fully aware that the situation creates a negative image of the maritime situation in our archipelago, and we are committed to combating such criminal acts. However, the amalgamation of two different criminal acts into one single classification for statistical purposes only results in the distortion or misrepresentation of facts, since different legal regimes apply to acts of piracy and acts of armed robbery against ships. Indonesia would like that distinction to be upheld, consistent with international law.

A review of the reporting system is also advisable, as the criminal acts differ significantly in nature. Since the report of the IMB does not reflect the actual situation in the field, it can, in the final analysis, lead to the conclusion that maintaining such an approach would only give unfair treatment to the affected States, as they have to bear higher costs for sea transportation.

In light of the aforementioned, Indonesia is fully aware of the importance of continued efforts of the international community to find a constructive and balanced approach to address various issues of ocean affairs. It is, therefore, a distinct pleasure for my delegation to co-sponsor draft resolution A/59/L.22. It is our sincere hope that all Member States will lend their support to the draft resolution.

Mr. Hachani (Tunisia) (*spoke in French*): First of all, may I take this opportunity to express my gratitude to the Secretary-General for the remarkable work he has done in drawing up his detailed and exhaustive report on oceans and the law of the sea (A/59/62 and Add.1). My thanks also go to the Division for Ocean Affairs and the Law of the Sea for their dedication to the success of our work.

We are dealing with the agenda item entitled "Oceans and the law of the sea" on the very same day we are celebrating the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea, a text of historic impact. The Convention has made an indisputable contribution to the codification of international law of the sea and is an important milestone in the establishment of a global legal framework for governance of the various marine areas and their living and non-living resources.

We take this opportunity to note with satisfaction the operation and work of the institutions created under the Convention, in particular the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf.

The draft resolutions and today's debate on the report of the Secretary-General confirm the attachment of the General Assembly to matters relating to oceans and the law of the sea. This stems from a context notably marked by fears related to the serious implications that will arise for future generations from the continuing degradation of marine ecosystems and from the over-exploitation of marine biological resources.

As reflected in the results of the World Summit on Sustainable Development, there is increasing awareness of the importance of oceans and seas for the land ecosystem. They play a crucial role in assuring food security, particularly for developing countries, in maintaining economic prosperity and in contributing to the well-being of present and future generations.

The protection and preservation of the marine environment and its fisheries resources are a source of continuing concern for Tunisia, a developing coastal country whose territorial waters are adjacent to the high seas. In fact, in the Mediterranean, a semi-

enclosed sea, the flora and fauna are increasingly threatened by pollution from land-based and shipping sources.

The General Assembly has an essential role to play in the area of protecting and sustainably using marine resources; in other words, it has the role of guiding, monitoring and coordinating the programmes set up by specialized organs and institutions. In that respect, the general legal framework provided by the Convention for the protection of the marine environment and the conservation of the ocean's resources is a key accomplishment that should guide all international work in this area.

The other relevant international instruments, such as the 1975 Barcelona Convention and its amended protocols, develop in particular the aspect of special protected areas. Agenda 21, the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the various actions undertaken by relevant international organizations of the United Nations system are all reference points relating to the protection of the marine environment and the conservation of the ocean resources.

By setting up a system for the exploitation of marine resources beyond national jurisdiction that provides for a fair sharing of the resources, the Convention has reflected the aspiration for a fair and just international economic order to govern oceanic space. The concept of the common heritage of humanity that it conveys crystallizes all the hopes of developing countries for a world based on peace, justice, solidarity and progress for all.

That is why, while understanding the reasons mentioned for reconsideration of certain aspects of the regime as laid out in the Convention — that is, the adaptation of the Convention to new economic and political realities — Tunisia stresses the interest of developing countries in preserving the spirit of the Convention. In that respect, we note with satisfaction the compromise solution contained in the draft resolution before us, A/59/L.22, which consists of setting up an informal open-ended working group with the mandate of studying questions relating to conservation and the sustainable use of marine biodiversity in zones situated beyond national jurisdiction.

Mr. Sen (India): My delegation welcomes the opportunity to participate in the debate on this item during the tenth anniversary year of the entry into force of the 1982 United Nations Convention on the Law of the Sea. We thank the Secretary-General for his comprehensive reports on matters relating to the law of the sea and ocean affairs.

The United Nations Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans and seas must be carried out. Accordingly, the need for its universal acceptance cannot be overemphasized, and we welcome the steady increase in the number of States parties to the Convention.

It is a matter of deep satisfaction that all subsidiary institutions under the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have made considerable progress in their respective areas of work in the past year. India has been working closely with all those institutions. We have invested heavily in the exploration of minerals in the deep seabed. We continue to incur considerable expense for collection of data as a primary investor and now as a contractor.

The International Seabed Authority is currently involved in the development of a legal regime for prospecting and exploration of polymetallic sulphides and cobalt-rich crusts. We appreciate the role of the Authority in the conservation of biodiversity in the Area, especially its elaboration of the rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area.

During the last session of the International Seabed Authority, India was elected a member of the Council in Group B, representing States that have made the largest investment in seabed mining. We congratulate Ambassador Satya Nandan on his re-election as Secretary-General of the Authority for another four-year term.

At its thirteenth session, the Commission on the Limits of the Continental Shelf finalized and adopted a revised set of rules of procedure on the basis of the practical experience gained by the Commission from receiving and examining its first submission. We welcome the revised set of rules of procedure. The

Commission is currently examining the second submission, made by Brazil on 17 May 2004.

We understand that a number of countries have indicated the submission of their claims between 2005 and 2008. The developing countries that are in the process of preparing submissions to the Commission might require help, in some cases to enhance their capacity. In this regard, States that have expertise in the delineation of the outer limits of the continental shelf could extend such cooperation by providing assistance to developing States.

India has the requisite expertise on the assessment and mapping of the continental shelf and is willing to extend cooperation in training to developing countries for that purpose. In this context, we also welcome the publication by the Division of Ocean Affairs and the Law of the Sea of a training manual to assist States to develop the requisite knowledge and skills to prepare their submission in respect of the outer limits of the continental shelf.

May I also add in this context, that in the spirit of South-South cooperation and to the extent appropriate and practicable, India is willing to share its technologies in fields ranging from ocean data collection to anti-erosion capabilities and submersible energy.

The International Tribunal for the Law of the Sea has been active as an independent judicial body, established by the Convention to adjudicate disputes arising out of its interpretation or application. It has decided a number of cases involving a wide variety of issues, such as freedom of navigation and other internationally lawful uses of the seas. The enforcement of customs laws, refuelling vessels at sea, the right of hot pursuit, conservation and sustainable use of fish stocks, provisional measures and matters involving land reclamation. The Tribunal enjoys a high reputation for fairness and integrity.

The international community has continued to focus, over the past year, on issues relating to navigation, conservation and management of living marine resources and conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction.

In the area of navigation, we would like to express our serious concern with the increase in the reported incidents of piracy and armed robbery against ships, which have risen to 3,041 in the period from 1984 to the end of March 2003. The involvement of militia groups in kidnapping crews in politically vulnerable areas calls for close attention. Piracy attacks have taken place in certain geographical hotspots, not in the open sea, but in territorial waters, while the ships were at anchor or berthed.

Regional cooperation in high-risk areas has been identified as an important measure to combat crimes at sea. India, along with 15 other States of the region, has been involved in the ongoing efforts initiated by Japan to establish a regional cooperation agreement on anti-piracy measures. May I also add that the Indian navy is playing a very useful and productive role in combating piracy in the seas adjacent to it.

The prevalence of illegal, unreported, and unregulated (IUU) fishing is causing severe problems affecting world fisheries, particularly in developing countries and is likely to have far-reaching adverse consequences for the long-term sustainable management of fisheries. It is a matter of grave concern that overfishing continues to take place in contravention of applicable regional conservation regimes, and that States are not meeting their obligations to address complaints by their flag vessels and nationals.

Excess capacity has been cited as a key factor in IUU fishing and overfishing in general. Hence, emphasis has been placed on the need for capacity reduction, where excess capacity exists, and on the need to increase the capacity of developing States to achieve sustainable fisheries, both in areas under national jurisdiction, and on the high seas. In this context, we agree with the recommendation made by the Food and Agriculture Organization of the United Nations (FAO) technical consultation to continue to use funds to assist developing States in collecting and assessing comprehensive data on IUU fishing.

The preservation of vulnerable marine ecosystems and biodiversity in areas beyond national jurisdiction has been the focus in recent times in the subsidiary bodies created by the Convention, and also in the Conference of the Parties to the Convention on Biological Diversity. It is currently estimated that approximately 98 per cent of known marine species live in benthic environments and that more species live in benthic environments than in all other environments on earth combined. The biological communities located

beyond the national jurisdiction, on the deep seabed, such as sea mounds, deep sea corals, hydrothermal vents and other features, which include cold seeps and pockmarks and soft-sediment environments, such as abyssal plains, trenches and submarine canyons, have been identified as vulnerable to fishing and marine science research, including bioprospecting.

The discovery of deep seabed communities has opened opportunities for prospecting of chemosynthetic organisms, characterized by a molecular structure allowing them to live in water exceeding 100 degrees Centigrade, at extremely high pressures, extremophiles. Due to the species' robust nature, for example, the enzymes can be exposed to harsh conditions and high temperature. Extremophiles are used in a number of industrial processes, ranging from liposomes for drug delivery and cosmetics, to waste treatment, molecular biology and food and agricultural processes. It appears that the commercial use of naturally occurring extremophiles is likely to increase in the near future.

The impact of scientific research and bioprospecting on these fragile ecosystems, leading to habitat loss and mortality, must be regulated in such a way as to ensure the sustainable use of biological resources, including the equitable sharing of benefits to humankind as a whole, in accordance with the general principles of the Convention on the Law of the Sea and the Convention on Biological Diversity.

In this connection, we would like to express our support for the establishment of the ad hoc and open-ended informal working group envisaged in the draft resolution on oceans and the law of the sea (A/59/L.22) to study issues relating to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

Mr. Hannesson (Iceland): At the outset I would like to commend the Secretariat, in particular the able staff of the Division for Ocean Affairs and the Law of the Sea, headed by its new Director, Mr. Vladimir Golitsyn, for its comprehensive report on oceans and the law of the sea (A/59/62), and the report on sustainable fisheries (A/59/298). Let me also acknowledge the professional manner in which the coordinators, Mr. Marcos de Almeida (Brazil), Ms. Jennifer McIver (New Zealand) and Ms. Holly Klehler (United States) conducted the informal consultations on the omnibus and fisheries draft resolutions (A/59/L.22 and A/59/L.23, respectively). These consultations turned out to be particularly challenging this year, and we wish to thank all of the participants for their constructive contributions.

It is highly appropriate today, on the tenth anniversary of its entry into force, to recall the United Nations Convention on the Law of the Sea, which is without doubt one of the greatest achievements in the history of the United Nations. It is the first and only comprehensive treaty in the field of the law of the sea. It contains both codified rules of customary law and a number of innovations covering all uses, not only of oceans and seas, but also their superjacent airspace and subjacent seabed and subsoil.

The Convention on the Law of the Sea thus provides the legal framework for all of our deliberations on the oceans and the law of the sea. We welcome the ratification of the Convention today by our neighbouring country, Denmark, and urge those States that still have not ratified the Convention to do so in order to achieve the ultimate goal of universal participation.

It is imperative that the Convention be fully implemented and its integrity preserved. Issues that were settled at the Law of the Sea Conference should not be reopened. In this respect, it must be borne in mind that the conclusions of the Conference are regarded as a package, individual States prevailing in some areas but having to compromise on others.

On this occasion we note with satisfaction that the three institutions established under the Convention are functioning well. The International Tribunal for the Law of the Sea has already adjudicated a number of disputes in this field. The International Seabed Authority is actively preparing for future exploitation of mineral resources in the international seabed area. The Commission on the Limits of the Continental Shelf has begun its consideration of the first submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and a number of coastal States, including Iceland, have stated their intention to make submissions within the next few years. It must be ensured that the Commission will be able to fulfil the functions entrusted to it under the Convention, taking into account, in particular, the expectation that new submissions will require parallel meetings of several subcommissions for their examination.

As recognized in the draft omnibus resolution, it is important that States exchange views in order to increase understanding of issues arising from the application of article 76 of the Convention, thus facilitating the preparation of submissions by States to the Commission, in particular developing States. For this purpose, the Law of the Sea Institute of Iceland and the Center for Oceans Law and Policy of the University of Virginia School of Law co-hosted last year a conference in Reykjavik on the legal and scientific aspects of continental shelf limits. The proceedings of the conference have now been published in a book and the Law of the Sea Institute of Iceland is in the process of distributing a copy to all developing States.

In this context, it also gives me pleasure to inform the General Assembly of the decision by the Government of Iceland to make a contribution of $100,000 to the trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States, and to facilitate compliance with article 76 of the Convention. Furthermore, my Government has decided to make a contribution of $50,000 to the trust fund to assist members of the Commission from developing States to participate in its meetings.

The 1995 Fish Stocks Agreement is of paramount importance, as it strengthens considerably the framework for the conservation and management of those stocks by regional fisheries management organizations. The provisions of the Agreement strengthen in many ways the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS) and some of the provisions represent a development of international law in this area. However, the effectiveness of the Agreement depends on its wide ratification and implementation, and we encourage those States that have not ratified the Agreement to do so.

Following the initiative in the first two rounds of informal consultations of States parties to the Agreement, the General Assembly decided last year, in its resolution 58/14, to establish an assistance fund under part VII of the Agreement to assist developing States parties in the implementation of the Agreement. The United Nations and the Food and Agriculture Organization of the United Nations (FAO) have now concluded an arrangement regarding the administration of the assistance fund. I am happy to inform the Assembly of the decision by my Government to make a contribution of $50,000 to the assistance fund.

It is the view of the Government of Iceland that the General Assembly should focus on specific issues that have global implications, and not on issues that fall within the purview of the sovereign rights of States or under the responsibility of regional fisheries management organizations. The General Assembly should address issues that are global in nature and can only be solved through global cooperation. We should thus address marine pollution, which respects no boundaries and must therefore be met with global action. We should also address the need for a level playing field for the fisheries sector that encourages sustainable fisheries globally, including the need to remove fisheries subsidies. Further examples can be identified. Conservation and the sustainable utilization of living marine resources is, on the other hand, a local and regional matter. We can, therefore, not accept opening the door for global micromanagement of fisheries, which are subject to the sovereign rights of States or under the responsibility of regional fisheries management organizations.

In this light, we are satisfied with the outcome of the informal consultations on the omnibus and fisheries resolutions with respect to destructive practices that have adverse impacts on marine biodiversity and ecosystems. The relevant paragraphs in the two draft resolutions recognize that it is for the relevant States or regional fisheries management organizations, as appropriate, to regulate these destructive practices and to take decisions on any interim or long-term management measures. Iceland was among those States that insisted that these paragraphs should apply, in principle, to areas both within and beyond national jurisdiction. The rationale for this position is, of course, that vulnerable marine ecosystems located in the exclusive economic zone require no less protection from destructive practices than those located on the high seas.

Iceland, like many other coastal States, has been applying area restrictions and closures as one of its fisheries management tools for many years. Within our national jurisdiction, there are several areas that have various levels of protection, many of which offer complete protection for vulnerable habitats on the seabed. The area closures are the subject of continuous review. Presently, Icelandic authorities are undertaking

a review with the specific purpose of reassessing the protection currently given to vulnerable habitats, including deep-water corals, and the possible need for increased protection. This review and other work undertaken in this field are based on a new report by a Government committee on Iceland's policy on ocean affairs. The policy aims at maintaining the future health, biodiversity and sustainability of the ocean surrounding Iceland in order for it to continue to sustain and promote the nation's welfare.

At the regional level, Iceland took part only last week in the establishment of an interim measure for the protection of vulnerable deep-water habitats in the high seas of the North Atlantic Ocean. The North-East Atlantic Fisheries Commission (NEAFC) agreed on an interim prohibition of bottom-trawling and fishing with static gear on a number of seamounts and a section of the Reykjanes ridge, south of Iceland, for a three-year period. During this interim period, the Commission will assess its work on this issue, seek further scientific advice and assess possible enforcement issues that may arise, with the aim of having appropriate conservation and management measures in place by 2008. The Commission has shown its commitment to taking the necessary action to protect vulnerable habitats, and it is important that such work be performed on a case-by-case and scientific basis as recognized in the draft resolution on fisheries.

Iceland welcomes that increased attention is being devoted to ocean issues in the world. I would like to share with you some of the more recent developments in this respect within the Arctic Council, which Iceland currently chairs.

Last week, the Arctic Council, in cooperation with the International Arctic Science Committee, launched the Arctic Climate Impact Assessment (ACIA). The scientific message from this comprehensive assessment is that the climate is now changing faster across the Arctic then anywhere else in the world. Those changes are impacting the environment and people in the Arctic region and have implications for the world at large. More than half of the Arctic region is ocean and the ACIA pays special attention to coastal and marine issues.

The assessment projects that the warming climate will bring about ecosystem shifts in the ocean. As a result, increased productivity is likely to occur among some species of fish, including herring and cod. At the same time, cold-water fish species and mammals are expected to move northward or may even be forced into decline. Furthermore, the thinning sea ice allows stronger wave generation by winds, causing increased coastal erosion along Arctic shores. Those effects are already apparent and much larger changes are projected to occur during this century.

The projected decline in Arctic sea ice will widely increase access to natural resources in the Arctic waters, including oil, gas and fish stocks. We can expect that increased offshore developments in the Arctic in the years to come will raise questions of national sovereignty over resources and add to the need for new and better adapted environmental protection regulations.

In the context of increased development and climatic pressures on the Arctic marine environment, I would like to draw particular attention to the Arctic Council's Marine Strategic Plan for the protection of the Arctic marine environment, to be submitted to the fourth Arctic Council Ministerial meeting next week. The strategy is based on an integrated ecosystem-based approach to sustainable ocean management. In launching the strategy, the Arctic Council is contributing in a significant way to the follow-up of the Johannesburg Plan of Implementation.

The Arctic Marine Strategic Plan sets out the vision and goals, as well as a number of strategic activities, to help address sustainable development of the Arctic marine environment. Such a strategy should offer numerous opportunities. It will help us to confront existing conditions, including pollution, and provide a means to address new and emerging challenges. One example is the possible opening of new Arctic sea routes due to melting sea ice.

The decision by the General Assembly, in its resolution 57/141, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, acknowledges that international action is needed to prevent and counter marine pollution and physical degradation of the marine environment. For us to succeed in that task, accessible and authoritative information and advice are needed, particularly regarding the socio-economic consequences of the degradation of the marine environment. The regular assessment process should

provide the basis for responsible decision-making to improve the situation.

During the international workshop on the regular process held in conjunction with the fifth meeting of the Informal Consultative Process on Oceans and the Law of the Sea, it emerged that more time is needed to define the basic objectives and scope of the regular process. The Government of Iceland is prepared to continue working with other interested countries in order to fulfil the mandate of resolution 57/141 and to launch, in due time, a regular process that is both focused and prioritized.

The Acting President: I call on the representative of the United States to introduce draft resolution A/59/L.23.

Mr. Siv (United States): My delegation has the honour to co-sponsor draft resolution A/59/L.22 entitled "Oceans and the law of the sea".

Before I introduce draft resolution A/59/L.23 on sustainable fisheries, I would like to make a technical correction to the text, as agreed upon in consultations. In both paragraphs 66 and 67, following the words "including bottom trawling", the comma should be deleted and the word "which" replaced with the word "that".

I am honoured to introduce on behalf of the sponsors draft resolution A/59/L.23 on sustainable fisheries. I am pleased to announce that, since the publication of the draft resolution, the following countries have become co-sponsors: Australia, Belgium Belize, Germany, Greece, Italy, Micronesia, Poland, Spain and Ukraine.

The United States thanks each delegation that worked to achieve those draft resolutions. We particularly appreciate the assistance given to Holly Koehler, our representative, who coordinated negotiation of the fisheries draft resolution this year. We also appreciate the efforts of Marcos de Almeida of Brazil and Jennifer McIver of New Zealand, who co-chaired the oceans draft resolution with great skill and objectivity.

A key element of the fisheries negotiations this year was protecting sensitive underwater features and vulnerable marine ecosystems from destructive fishing practices. The draft resolution calls upon States and regional fisheries management organizations to urgently address the impacts of destructive fishing practices. To that end, it calls for the interim prohibition of such practices and the adoption of conservation and management measures. The United States will work cooperatively with all States and international bodies engaged in regulating fisheries to give effect to those provisions. The fisheries draft resolution also lays the foundation for the review conference mandated by the 1995 United Nations Fish Stocks Agreement. It calls for renewed efforts to achieve sustainable aquaculture; to combat illegal, unreported and unregulated fishing; and to address fishing overcapacity, harmful subsidies and derelict fishing gear.

We are also pleased that the fisheries draft resolution once again explicitly takes up the issue of shark conservation and management. We are still concerned that many shark species remain vulnerable to exploitation due to their unique biology and lack of effective management. Unfortunately, progress in implementing the 1999 Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks has been disappointing. We applaud the language on sharks strengthening last year's resolution. We look forward to continuing to work with all interested to implement it at the FAO and through relevant regional organizations.

Turning to the draft resolution on oceans and the law of the sea, it is fitting that we will adopt that draft resolution today, the tenth anniversary of the Convention on the Law of the Sea's entry into force. Three years ago, in this forum, I announced the Bush Administration's support for that treaty. Now that the United States Senate committees have completed their hearings, the full Senate is in a position to approve accession to the Convention. The Bush Administration hopes that this will occur expeditiously so that the United States may join the other 145 parties to the Convention. We support the international community's efforts to fully implement the provisions of the Convention and related agreements. That will achieve the goal of establishing a legal order that will promote freedom of the seas, the peaceful uses of the oceans, the equitable and efficient utilization of their resources, the conservation of their living resources and the study, protection and preservation of the marine environment.

The highlight of this year's draft resolution on oceans (A/59/L.22) is the establishment of a working group to study issues relating to the conservation and

sustainable use of marine biological diversity beyond areas under national jurisdiction. Destructive practices need to be addressed both within the exclusive economic zones and beyond. However, the areas beyond national jurisdiction present particular legal and logistical challenges for the international community. In preparation for the meeting of the working group in early 2006, the Secretariat will prepare a report on those issues, which may identify options and approaches for promoting international cooperation. We anticipate that that report will be written in consultation with relevant international bodies and interested States. That way, it can serve as a comprehensive and objective basis for the working group's examination of these novel and difficult issues.

The draft resolution also requests the Secretary-General to convene a second international workshop on the regular process for global reporting and assessment of the state of the marine environment. Recent informal contacts among States have revived hope that we can make progress next June in establishing such an information collection process, which would provide essential information for scientists and policy makers.

We also look forward to the sixth meeting of the informal Consultative Process, to be held in June. We will focus on two important topics: marine debris, and the role of fisheries in sustainable development. The Consultative Process has become a valuable means for educating United Nations delegations and for stimulating discussion that informs the negotiation of the annual oceans and fisheries draft resolutions. It also helps to coordinate the work of oceans-related bodies throughout the year.

Two months ago, the United States Commission on Ocean Policy released its final report. It highlighted for the American people the importance of the oceans to the United States. As the Bush Administration prepares its response to the report, it is keenly aware of one of the Commission's major themes: many oceans issues are inherently international issues. We will continue working during the coming years with our international partners to make the world's oceans safer, cleaner and more productive.

Mr. Zhang Yishan (China) (*spoke in Chinese*): This year marks the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea. That "constitution of the sea", which came into being after nearly 10 years of intense negotiations and consultations, has not only codified all the available customary international law with respect to the law of the sea, but has also further developed a new regime on the law of the sea, thus providing a basic legal framework for human activities on the oceans. The Chinese delegation wishes to pay high tribute to all those who have made a contribution to the Convention in the process of its negotiations.

The oceans and the sea are an integral whole, and all the aspects of that whole are closely interlinked. To meet the serious challenges now facing ocean affairs requires joint efforts by all of humanity — particularly cooperation among countries and the relevant international organizations. We encourage more countries to accede to the Convention, and we welcome the establishment of the Ocean and Coastal Areas Network. We hope that the Network will further strengthen coordination among the relevant United Nations agencies, between United Nations agencies and other relevant international organizations, and among various countries.

The Chinese Government attaches great importance to the Convention and has actively promoted its implementation and the maintenance of international order on the oceans. The Chinese Government is pleased to see that the International Tribunal for the Law of the Sea, the Commission on the Limits of the Continental Shelf and the International Seabed Authority, which were established under the Convention, have all made good progress in settling maritime disputes, in delineating the outer limits of the continental shelf and in exploring for resources and preserving the environment in the international seabed area. The Chinese Government is playing and will continue to play its part in the work of those agencies.

The Chinese delegation believes that the United Nations has the responsibility and the ability to make an even greater contribution in the realm of the sea. Ocean affairs, including matters related to the Convention, concern all humanity and therefore should be discussed within the framework of the United Nations. The Open-ended Informal Consultative Process on Oceans and the Law of the Sea was established by General Assembly resolution 54/33 and extended by resolution 57/141 to help the Assembly to review, in an effective and constructive manner, ocean affairs and the latest developments related to the law of the sea.

The establishment and extension of the Consultative Process is a reflection of the universal concern in the international community about the issue of oceans. Over the past five years, the agenda of the Consultative Process has addressed nearly all areas of the law of the sea, and the Process has become an important forum where all countries — including those not party to the Convention — discuss issues related to oceans and the law of the sea and coordinate their positions. The Chinese Government will, as always, continue to actively take part in and promote the Process so that it can achieve further results.

The Chinese delegation has noted that, through its resolution 57/141, the General Assembly established a process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments. The process is therefore of great significance to the protection of the marine environment and to the promotion of sustainable development. The Chinese Government attaches importance to the global marine assessment process and has sent experts to participate in its work.

The Chinese delegation further believes that the global marine assessment process should operate within the United Nations framework, with the Organization playing a leading role, and that it should take full account of the views of all United Nations Member States. The process should also make the best use of existing global and regional assessment mechanisms so as to avoid the overlapping of work and the wasting of resources.

Activities carried out under the global marine assessment process should be consistent with the Convention and should respect the sovereign rights and jurisdiction of coastal States over marine areas under their national jurisdiction, as provided for under the Convention. The assessment areas should not be determined solely through the ecosystem approach; full consideration should be given to the geographical areas covered by existing effective regional mechanisms. It is not appropriate now to prejudge how many assessment areas there should be; the establishment and operation of the process should proceed gradually. The present work should focus on two areas: summarizing and assessing existing assessment mechanisms related to the marine environment, and greatly strengthening the capacity-building of the developing countries.

China is among the countries that have the largest numbers of fishermen and fishing fleets. Food security, poverty reduction and social stability all depend on the sustainable development of fisheries. The Chinese Government is carrying out active cooperation through bilateral mechanisms, regional fishery management organizations and the FAO to promote the conservation, management and rational utilization of fishing resources.

The Chinese Government notes that the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks came into force on 11 December 2001. That Agreement has provided a basic framework for establishing regional fishery management mechanisms. The Chinese Government has already signed the Agreement and is now actively participating in regional fishery cooperation, in accordance with the principles of that Agreement. China has joined both the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Indian Ocean Tuna Commission (IOTC) and has attended meetings of other relevant regional fishery organizations as an observer. China has also signed the Inter-American Tropical Tuna Commission (IATTC) Convention.

Last July, China completed domestic legal procedures for the ratification of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, and preparations for becoming party to the Convention are well under way. The Chinese Government hopes that, through various regional mechanisms, resources can be properly conserved and managed so as to achieve the sustainable development of fisheries.

The Chinese Government attaches great importance to the protection and management of the biodiversity of the seabed in areas beyond national jurisdiction. We believe that, at the present stage, relevant research should be stepped up, taking full account of the existing international seabed regime. The Chinese delegation has noted that the International Seabed Authority has extensive responsibilities for the protection and preservation of the marine environment of the seabed in areas beyond national jurisdiction.

China encourages the Seabed Authority and other relevant internat onal organizations to play an active role in that respe t.

As China s a coastal developing country, the Chinese Government attaches great importance to the peace and tranquillity of the oceans, their sustainable development and the protection of the marine environment. The utilization and protection of the sea is an ongoing issue for humankind. The Chinese Government is ready to work with other countries and international organizations and to play its part in advancing the cause of ocean affairs in the interests of humankind.

The meeting rose at 1.05 p.m.